

DES MOINES CITY COUNCIL MEETING
City Hall, City Council Chambers
400 Robert D. Ray Drive
Des Moines, Iowa 50309

April 9, 2018
4:30 PM

***** City Hall Open House 2-4 PM, ribbon cutting at 3:30 PM *****

SPECIAL PRESENTATIONS – 4:00 PM

Grand View University 2018 NAIA Wrestling National Champions

INVOCATION: Council Member Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 46:

***Note:** These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.

LICENSES AND PERMITS

4. [Approving](#) Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

(A)	ALEGRIAS SEAFOOD	2809 6TH AVE	C Liquor
(B)	DAVIS CONCESSIONS-SAVAGE	2601 HUBBELL AVE	B Beer
(C)	GENOS PIZZA HIGH DIVE BAR	508 INDIANOLA	C Liquor
(D)	ROOFTOP BAR	525 E GRAND AVE	C Liquor
(E)	SA PRESENTS	520 ROBERT D RAY	C Beer/Wine
(F)	SA PRESENTS	75 E LOCUST	C Beer/Wine

RENEWAL APPLICATIONS

(G)	ALPINE TAP ROOM	2720 INGERSOLL	C Liquor
(H)	CAPITAL CITY MOOSE LODGE	2515 WEDGEWOOD	A Liquor
(I)	GIT N GO STORE #5	2700 INDIANOLA	C Beer
(J)	GREENWOOD LOUNGE	3707 INGERSOLL	C Liquor
(K)	HELLO MARJORIE	717 LOCUST ST	C Liquor

- (L) JETHROS 3100 FOREST AVE C Liquor
- (M) JOHNNYS ITALIAN 6800 FLEUR DR B Liquor
- (N) SAIGON MARKET 2501 EUCLID AVE C Beer
- (O) SCORNOVACCAS RISTORANTE 1930 SE 14TH ST C Liquor
- (P) VICTORY LANE 3801 EASTON BLVD C Liquor

TRANSFER TO NEW LOCATION

- (Q) ELWELL FAMILY FOOD 3000 E GRAND AVE C Liquor
Temporary to the Cattle Barn for the Gun Show on April 13 – 15, 2018.
- (R) ELWELL FAMILY FOOD 601 6TH AVE C Liquor
Temporary from 3000 E. Grand Avenue for an event on April 25, 2018.

OUTDOOR SERVICE APPLICATIONS

- (S) BORDENAROS PIZZA 6108 SW 9TH ST C Liquor
Permanent.
- (T) PEGGYS TAVERN 3020 FOREST AVE C Liquor
Temporary in conjunction with Drake Relays on April 23 – 29, 2018.
- (U) ST KILDA BAKERY AND CAFE 300 SW 5TH ST C Liquor
Permanent.

SPECIAL EVENT APPLICATIONS

- (V) DRAKE UNIVERSITY 2505 CARPENTER Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Turner Jazz Concert on April 19, 2018.
- (W) ST THERESA CATHOLIC SCHOOL 5810 CARPENTER Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Annual Gala on April 21, 2018.
Pending approval of Building and Fire Departments.
- (X) TOWNSQUARE LIVE EVENTS 730 3RD ST Five (5) Day License
Class B Beer License for America on Tap on April 14, 2018.

5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:
 - (A) [2018](#) ADA Sidewalk Ramp Program – Contract 1: Receiving of bids, (4-24-18), Setting date of hearing, (5-7-18). Engineer’s estimate, \$870,000.

[\(Council Communication No. 18-161\)](#)
 - (B) [2018](#)-2019 HMA Pavement Scarification and Resurfacing: Receiving of bids, (4-24-18), Setting date of hearing, (5-7-18). Engineer’s estimate, \$1,750,000.

[\(Council Communication No. 18-169\)](#)
 - (C) [Forest](#) Avenue Bridge Rehabilitation: Receiving of bids, (4-24-18), Setting date of hearing, (5-7-18). Engineer’s estimate, \$250,743.

[\(Council Communication No. 18-173\)](#)
8. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for the Hubbell Avenue reconstruction from Euclid Avenue to E. 38th Street.

[\(Council Communication No. 18-178\)](#)
9. [Approving](#) Professional Services Agreement with Foth Infrastructure and Environment, LLC for 63rd Street and Creston Avenue Traffic Signal Services, not to exceed \$14,300.

[\(Council Communication No. 18-179\)](#)
10. [Approving](#) completion and acceptance of the Skywalk Bridge Improvements between The Weitz Company, LLC and 7 & Grand Ramp Developer, LLC for the Skywalk Bridge 7F-8F (over 8th Street, north of Grand Avenue).
11. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
12. [Accepting](#) completed construction and approving final payment for Pioneer Columbus Community Center Remodeling, Rochon Corporation of Iowa, Inc.

SPECIAL ASSESSMENTS

13. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2018-04.
14. [Approving](#) deletion of NAC-Emergency Assessment at 3912 SE 15th Street.
15. [Conditionally](#) approving final subdivision plat entitled Birdland Vista Final Plat, vicinity of 2426 Saylor Road.

[\(Council Communication No. 18-157\)](#)

16. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2017 (2 applications).

[\(Council Communication No. 18-158\)](#)

17. ~~[Authorization](#) to proceed with acquisition of the necessary property interests for the Fleur Drive Reconstruction – George Flagg Parkway to Watrous Avenue Project.~~

[\(Council Communication No. 18-177\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

18. [Recommendation](#) from Council Member Connie Boesen to appoint Marlys Jones to the Zoning Board of Adjustment, Seat 2, for a five-year term commencing April 1, 2018 to April 1, 2023.
19. [Recommendation](#) from Council Member Connie Boesen to appoint Meg Schneider to the Transportation Safety Committee, Seat 2, for a three-year term commencing December 31, 2017 to December 31, 2020.
20. [Recommendation](#) from Council Member Linda Westergaard to appoint Edgardo Ortiz to the Sister Cities Commission, Seat 10, for a five-year term commencing April 28, 2016 to April 28, 2021.
21. [Recommendation](#) from Council Member Joe Gatto to appoint Ryan Keller to the Sister Cities Commission, Seat 15, for a five-year term commencing April 28, 2014 to April 28, 2019.
22. [Recommendation](#) from Mayor T.M. Franklin Cownie to appoint Shelley Bain to the Sister Cities Commission, Seat 3, for a five-year term commencing April 28, 2017 to April 28, 2022.

- 22-I [Recommendation](#) from Council Member Coleman to appoint Li Mandelbaum to the Sister Cities Commission, Seat 7, for a five-year term commencing April 28, 2013 to April 28, 2018, and an additional five-year term.
23. [Amendments](#) to the Building and Fire Code Board of Appeals Procedural & Administrative Rules.

SETTING DATE OF HEARINGS

24. [On](#) conveyance of excess City-owned property at 645 SE 26th Court and 801 SE 28th Street to R. M. Madden Construction, Inc., \$4,000, (4-23-18).
25. [On](#) conveyance of excess City-owned property at 1540 and 1546 Vermont Street to MR2 Properties, LLC, \$18,460, (4-23-18).
26. [On](#) conveyance of permanent easements on City-owned property north of and adjoining 440 E. Grand Avenue to RE3, LLC, \$350, (4-23-18).
27. [On](#) conveyance of a permanent easement for water main across City-owned property located in Gray's Lake Park to Des Moines Water Works, \$1, (4-23-18).
28. [On](#) consideration of License Agreement for conservation with the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) on City-owned property at 3500 E. Douglas Avenue for the WRA Four Mile Creek Stabilization – North of Euclid Project, (4-23-18).
- 28-I [On](#) assessment of \$500 penalties to the following liquor license holders for violation of Iowa Alcoholic Beverage Laws (sale to minor), (4-23-18).
- A. DL's Sports Bar, 2718 Douglas Avenue.
 - B. Git-N-Go Store #10, 816 E. Euclid Avenue.
 - C. Kum & Go #4110, 2110 Guthrie Avenue.
 - D. Kum & Go #207, 4200 Hubbell Avenue.
 - E. Oasis, 1401 Buchanan Street.
 - F. Triple Double, 910 Hull Avenue.
- 28-II [On](#) assessment of \$1,500 penalties and 30-day suspensions to the following liquor license holders for violation of Iowa Alcoholic Beverage Laws (sale to minor), (4-23-18).
- A. Casey's #2922, 3501 E. 14th Street.
 - B. Walgreens #5852, 3030 University Avenue.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

29. [Approving](#) payment to Ahlers & Cooney, PC Law Firm with respect to Series 2018A General Obligation Refunding Capital Loan Notes, \$28,334.24.
30. [Approving](#) payment to Ahlers & Cooney, PC Law Firm with respect to Collective Bargaining, \$2,707.50.
31. [Approving](#) payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP for representation of former Police Officer Tyson Teut, \$200.
32. [Communication](#) from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000.

CITY MANAGER COMMUNICATIONS

33. [Submitting](#) travel and training requests for Kenneth Brown, Brookelyn Danti, Sean Devlin, Monserrat Iniguez, Anuprit Minhas, Manisha Paudel and Mandy Weltz.

[\(Council Communication No. 18-184\)](#)

APPROVING

34. [Sponsorship](#) of an application for financial assistance to the Iowa Economic Development Authority (IEDA) under the High-Quality Jobs (HQJ) Program for The Printer Inc. (TPI).

[\(Council Communication No. 18-162\)](#)

35. [Support](#) of an application for High-Quality Jobs Tax Credits from Meredith Corporation to the Iowa Economic Development Authority (IEDA).

[\(Council Communication No. 18-163\)](#)

36. [Issuance](#) of Certificate of Completion for Phase 1 Improvements to Electro Management Corp. and Electrical Power Products Inc. for relocation and expansion of an industrial facility on property at SW 42nd Street and Army Post Road.

37. [Parking](#) License Agreement and Amendment to prior parking arrangement at the Third and Court parking garage with the United States General Services Administration (GSA).

[\(Council Communication No. 18-171\)](#)

38. [Ratifying](#) final loan agreements and amending Roll Call Number 18-0419 in conjunction with Urban Renewal Revenue Capital Loan Notes, Series 2018.

39. Items regarding agreements with Iowa Cubs Sports Turf Management, Inc.:

[\(Council Communication No. 18-181\)](#)

(A) [Exception](#) to the procurement ordinance RFP process for good cause and approving maintenance agreement with Iowa Cubs Sports Turf Management, Inc. to maintain various athletic fields and termination of maintenance agreement with Greater Des Moines Baseball Co.

(B) [Donation](#) agreement with Iowa Cubs Sports Turf Management, Inc. for regrading, irrigation system, field repositioning, and batting cage improvements at Greater Des Moines Softball Complex and James W. Cownie Baseball Park.

40. Abatement of public nuisances at the following addresses:

(A) [920](#) 28th Street.

(B) [3017](#) Martin Luther King Jr. Pkwy.

(C) [814](#) Olinda Avenue.

(D) [106](#) E. 29th Court.

(E) [1340](#) E. 19th Street.

41. Receipt of communication of fire escrow at the following:

(A) [2521](#) Lyon Street.

(B) [124](#) E. 29th Street.

(C) [807](#) 39th Street.

42. Bids from the following:

(A) [Bituminous](#) Materials & Supply (Dan Quigley, Plant Manager) for an annual contract with two (2) additional one-year renewal options to furnish emulsified asphalt materials for use by the Public Works Department, estimated annual cost \$500,000. (Three potential bidders, two received).

- (B) [Des Moines Asphalt & Paving Co.](#) (Jim Gauger, President) and Grimes Asphalt & Paving Corp. (Ray Svoboda, General Manager) as primary and secondary suppliers for annual agreements with two (2) additional one-year renewal options to furnish hot mix asphalt materials for use by the Public Works Department, estimated annual cost \$1,250,000. (Two potential bidders, two received).
 - (C) [Norwalk](#) Ready Mix Concrete (Todd Bohlender, President), CTI Ready Mix (Brian Blackford, President), Liberty Ready Mix (Jeff Tucker, President) and Central Iowa Ready Mix (Keith Kuennen, General Manager) as primary and secondary suppliers for annual agreements with additional one-year renewal options to furnish Portland cement concrete products for use by the Public Works Department, estimated annual cost \$500,000. (Four potential bidders, four received).
 - (D) [Central](#) Iowa Mechanical (Larry Goode Jr., President) for an annual contract with two additional one-year renewal options to furnish plumbing repair services for hook-ups of private lines to the City-owned sanitary sewer mains related to the City's construction or maintenance work on such City sewer mains for use by the Public Works Department, estimated annual cost \$120,000. (Nine potential bidders, two received).
 - (E) [Hallett](#) Materials (Kyle Timmer, Vice President), Schildberg Construction (Mark Schildberg, President), Lounsbury Sand & Gravel (Ben Lounsbury, President) and Sarah & Andrew Trucking (Rick Clark, President) as primary and secondary suppliers for annual agreements with two additional one-year renewal options to furnish construction and aggregate materials for use by the Public Works Department, estimated annual cost \$350,000. (Five potential bidders, four received).
43. [Civil](#) Service Entrance lists for Legal Assistant, Park Planner, Communications Specialist, and Senior Public Safety Dispatcher. Promotional lists for Sewer Maintenance Worker, Economic Development Administrative Coordinator and Cement Finisher.
44. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 2, 9 and 16, 2018; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 2, 9 and 16, 2018; and to draw checks for biweekly payroll due on April 13, 2018.

ORDINANCES - FINAL CONSIDERATION

- 45. [Vacation](#) of portions of the north/south alley lying east of and adjoining 121 12th Street.

ORDINANCES - SECOND CONSIDERATION

- 46. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) Parking restrictions on Cummins Road at the intersection of SE 14th Street, to allow space for turning vehicles and vehicle queuing.
 - (B) Parking restrictions on E. 33rd Street at Dubuque Avenue to improve visibility at the intersection.
 - (C) Final consideration of ordinance above, requires six votes.

* * * * * END CONSENT AGENDA * * * * *

ORDINANCES - FIRST CONSIDERATION

- 47. [Amending](#) Chapter 26 of the Municipal Code regarding plumbing fixture counts.

[\(Council Communication No. 18-156\)](#)

COMMUNICATIONS/REPORTS

- 48. [From](#) Lena Lindberg to speak regarding concerned home owner with recent police reports.
- 49. [From](#) Nancy Stillians, 1604 24th Place, to speak regarding better monitoring of residential areas, fewer benefits given to developers, and greater awareness of Iowa Constitution pertaining to decision making.

APPROVING

50. [Review](#) of Zoning Board of Adjustment decision granting an amendment to use variance to allow a restaurant selling alcoholic liquor, wine and beer at 2301 SW 9th Street to place outdoor speakers on the patio, subject to conditions. (**Choose one alternative A, B or C**)

[\(Council Communication No. 18-160\)](#)

- (A) The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board's decision will be deferred for 30 days from the date of this remand.
- (B) The City Council takes no action to review the Decision and Order. The decision of the Board will become final on April 28, 2018.
- (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date.
51. [Collective](#) bargaining agreement with Central Iowa Public Employees Council (CIPEC) for the period July 1, 2018 through June 30, 2021.

[\(Council Communication No. 18-155\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 52 THRU 67)

52. [On](#) approval of documents for vacation of portions of Grand Avenue right-of-way adjoining 665 Grand Avenue and conveyance of a permanent easement for subsurface building encroachments on City-owned property and a permanent easement for air space above City-owned property to Miesblock Commercial, LLC for \$6,870.

[\(Council Communication No. 18-176\)](#)

- (A) [First](#) consideration of ordinance above.
53. [On](#) approval of documents for vacation of a portion of SE 30th Street right-of-way adjoining 308 SE 30th Street and 244 SE 30th Street, and vacation of a segment of E. Elm Street right-of-way adjoining 244 SE 30th Street and conveyance to Sergio Colin for \$100 and to Manuel and Lisa Hernandez for \$225.

[\(Council Communication No. 18-180\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) Final consideration of ordinance above, requires six votes.

54. Items regarding request from Helena Industries, Inc. for property at 3525 Vandalia Road, to allow expansion of the existing chemical manufacturing campus:
- (A) [Amend](#) the existing PlanDSM: Creating our Tomorrow Plan future land use designation from Business Park to Industrial.
 - (B) [Hearing](#) to rezone property from “PUD” (Planned Unit Development) to Ltd. “M-2” (Heavy Industrial).
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
55. [On](#) proposed agreement with Helena Industries, Inc. for the sale and redevelopment of approximately 47 acres of City-owned land south of the 3800 block of Vandalia Road.

[\(Council Communication No. 18-166\)](#)

56. Items regarding request from Angel Groff, for property at 2200 Easton Boulevard, to allow existing commercial building and property to be used for vehicle repair and/or vehicle display. **(Plan and Zoning Commission recommends DENIAL):**
- (A) [Amend](#) the existing PlanDSM: Creating our Tomorrow Plan future land use designation from Low Density Residential to Community Mixed Use.
 - (B) [Hearing](#) to rezone property from “R1-60” (One-Family Low-Density Residential) to “C-2” (General Retail and Highway-Oriented Commercial).
57. Items regarding request from Mike Housby and Rhonda Gale for property at 1970 E. Army Post Road, to allow for development of the property for a contractor business with outside storage and “C-2” General and Highway-Oriented Commercial District permitted uses. **(Plan and Zoning Commission recommends DENIAL):**
- (A) [Amend](#) the existing Plan DSM: Creating our Tomorrow Plan future land use designation from Low Density Residential and Medium Density Residential to Industrial.
 - (B) [Hearing](#) to rezone the property from “R1-80” (One-Family Residential) to Ltd. “M-1” (Light Industrial).

58. On request from Phonevilay Boun (owner) to rezone property at 1625-1645 E. Diehl Avenue, 1540-1580 Hart Avenue and 1545-1575 Hart Avenue from "R1-80" (One-Family Residential) to "R1-60" (One-Family Low-Density Residential) to allow subdivision of the property with 60-foot wide single-family dwelling lots. (**requires six votes for approval**)
- (A) First consideration of ordinance above. (**requires six votes for approval**)
- (B) Final consideration of ordinance above (waiver requested by applicant), requires six votes.
59. On proposed Tenth Amendment to the Urban Renewal Plan for the SE Agribusiness Urban Renewal Area.
- [\(Council Communication No. 18-165\)](#)
60. On proposed Twenty-Second Amendment to the Metro Center Urban Renewal Plan.
- [\(Council Communication No. 18-164\)](#)
61. On discussion entering into and the proposal to take action on entering into an amendment to lease between the City of Des Moines and Capitol Center 2, LLC for the rental of office space at 400 E. Court Avenue suites 114, 116, 118 and 200.
- [\(Council Communication No. 18-182\)](#)
62. On 2018 Municipal Buildings Reroofing – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Rubber Roofing Systems, Inc. (David A. Casey, President), \$211,900.
- [\(Council Communication No. 18-167\)](#)
- (A) Approving contract and bond.
63. On 2018 Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Ti-Zack Concrete, Inc. (Steve J. Rutt, President), \$615,256.
- [\(Council Communication No. 18-168\)](#)
- (A) Approving contract and bond, and permission to sublet.

64. On Agrimergent Storm Sewer Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as S.M. Hentges & Sons Inc. (Steven M. Hentges, President), \$2,754,041.28.

(Council Communication No. 18-170)

- (A) Approving contract and bond and permission to sublet.

65. On Brine Barn Roof Modification: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Bergstrom Construction, Inc. (Tom Gorgas, President), \$58,101.

(Council Communication No. 18-172)

- (A) Approving contract and bond, and permission to sublet.

66. On Hickman Road Reconstruction at M.L.K. Jr. Parkway and 30th Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Sternquist Construction Inc. (Britt Sternquist, President), \$971,789.05.

(Council Communication No. 18-174)

- (A) Approving contract and bond, and permission to sublet.

67. On Polk Boulevard Reconstruction from Grand Avenue to I-235: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving (Jeffrey A. Chapman, General Manager), \$640,927.50.

(Council Communication No. 18-175)

- (A) Approving contract and bond, and permission to sublet.

*** END OF HEARINGS AT _____ PM ***

MOTION TO ADJOURN.

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